

Message Text

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ACTION EUR-25

INFO OCT-01 ISO-00 SY-04 SCCT-02 USSS-00 SAJ-01 NIC-01

OPR-02 CIAE-00 DODE-00 PM-07 H-03 INR-10 L-03 NSAE-00

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TAGS: PINS, PINT, IT

SUBJECT: KIDNAPPING OF GENOA MAGISTRATE

REF: ROME 6204

1. IN RESPONSE TO ULTIMATUM BY RED BRIGADES THAT EIGHT IMPRISONED "OCTOBER 22" TERRORISTS BE GIVEN "PROVISIONAL LIBERTY" AND FLOWN TO CUBA, ALGERIA OR NORTH KOREA IN EXCHANGE FOR RELEASE OF GENOA DEPUTY PROSECUTOR SOSSI, GENOA APPEALS COURT DECIDED ON MAY 20 TO GRANT "PROVISIONAL LIBERTY" TO "OCTOBER 22" GROUP ON CONDITION THAT SAFETY AND RELEASE OF KIDNAPPED MAGISTRATE BE GUARANTEED. COURT ALSO GRANTED ITS NULLA OSTA FOR ISSUANCE OF PASSPORTS TO REED TERRORISTS. APPEALS COURT DECISION CAUSED GENERALLY NEGATIVE PRESS REACTION AND WAS OPPOSED BY GENOA PROSECUTOR WHO MUST EXECUTE THE COURT ORDER. SUBSEQUENT TO THE COURT DECISION AND APPARENTLY IN RESPONSE TO INDICATIONS THAT THE GOVERNMENT WOULD NOT AGREE TO FLY THE "OCTOBER 22" PRISONERS OUT OF THE COUNTRY, THE RED BRIGADES MODIFIED THEIR POSITION ON MAY 21 TO DEMAND THAT "OCTOBER 22" PRISONERS BE GIVEN ASYLUM IN CUBAN MISSION TO HOLY SEE.

2. IN RESPONSE TO PARLIAMENTARY INTERPOLATIONS, PRIME MINISTER RUMOR ON MAY 21 REITERATED THE GOVERNMENT'S POSITION, PREVIOUSLY LIMITED OFFICIAL USE

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EXPRESSED BY INTERIOR MINISTER TAVIANI, FIRMLY EXCLUDING ANY BARGAINING

BY

GOVERNMENT WITH KIDNAPPERS, BUT AT SAME TIME DECLARED THAT THE GOVERNMENT WOULD NOT INTERFERE IN MATTERS WITHIN THE COMPETENCE OF THE COURTS NOR PASS JUDGMENT UPON THE MERITS OF THEIR DECISIONS. THUS FAR, THERE HAS BEEN NO DIRECT CRITICISM OF RUMOR'S STAND FROM ANY POLITICAL PARTY SAVE THE MSI, WHICH CHARGED THAT THE GOVERNMENT IS ABDICATING ITS RESPONSIBILITIES BY DEFERRING TO DECISION OF GENOA COURT. GOVERNMENT COHESION, PARTICULARLY WITH RESPECT TO THE SOCIALIST'S ATTITUDE ON THE ISSUE, HAS BEEN FACILITATED BY COMMUNIST DEMANDS THAT GOVERNMENT STAND FIRM.

3. COMMENT: SOSSI KIDNAPPERS HAVE PUT GOVERNMENT IN DILEMMA OF HAVING TO BALANCE HUMANITARIAN CONSIDERATIONS AGAINST NOW COMMONLY RECOGNIZED DANGERS TO PRESTIGE AND FUTURE SECURITY TO STATE WHICH WOULD FLOW FROM CEDING TO BLACKMAIL. THUS FAR, RUMOR IS LEANING ON "SEPARATION OF POWERS" TO ISOLATE GOVERNMENT FROM JUDICIARY'S OPEN NEGOTIATIONS WITH KIDNAPPERS, BUT DEVELOPMENTS ARE SOON LIKELY TO REACH POINT AT WHICH GOVERNMENT CAN NO LONGER SIDESTEP SUCCESSFULLY. ONLY THEN WILL THE WILLINGNESS OF THE RUMOR GOVERNMENT TO TRANS-LATE ITS FIRM PUBLIC POSITION INTO CONCRETE ACTIONS TO PREVENT "OCTOBER 22" MEMBERS FROM LEAVING ITALIAN JURISDICTION BE PUT TO THE TEST. VOLPE

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